REMARKS

On page 1 of the Office Action, the Examiner has failed to acknowledge Applicants' claim to priority and receipt of the certified copy of the priority document, which was filed on January 14, 2002.

Hence, the Examiner is kindly requested to acknowledge Applicants' claim to priority and receipt of the certified copy of the priority document in the next Action.

On page 2 of the Office Action, the Examiner rejects Claims 2 and 15 (*sic* 9) under 35 U.S.C. § 112, first paragraph.

Specifically, the Examiner states that there is no teaching in the specification as to what is meant by "enhancement" in Claim 2.

For the following reasons, Applicants respectfully traverse the Examiner's rejection.

The Examiner is requested to note that "enhancement" is meant to mean the agent "heightens" the composition's cerumenilytic power (see page 2, lines 14-17 of the present specification).

In view of the amendment to Claims 2 and 9 to recite "heightens" instead of "enhances", Applicants respectfully submit that the Examiner's rejection has been rendered moot.

In addition, on page 2 of the Office Action, the Examiner rejects Claim 12 under 35 U.S.C. § 112, second paragraph.

Specifically, the Examiner asks whether the weight % is based upon the total composition.

The Examiner is requested to note that it is clear from the present specification that the percentages are based upon the

weight of the total composition. Thus, Applicants hereby amend Claim 12 to clearly set forth such, and hence request withdrawal of the Examiner's rejection.

On page 3 of the Office Action, the Examiner rejects Claims 1, 2, 4 and 14 under 35 U.S.C. § 102(a) (*sic* (b)) as being unpatentable over Rosen et al ('299).

Applicants note that Claims 3 and 5-12 have not been included in this rejection.

Hence, the Examiner's rejection has been rendered moot by the amendment to Claim 1 to include the recitation of Claim 8 therein.

In addition, on page 3 of the Office Action, the Examiner rejects Claims 1-4 and 14 under 35 U.S.C. § 102(e) as being anticipated by Rosen et al ('488).

Applicants note that Claims 5-12 have not been included in this rejection.

Hence, the Examiner's rejection has been rendered moot by the amendment to Claim 1 to include the recitation of Claim 8 therein.

On page 4 of the Office Action, the Examiner rejects Claims 1-5, 7, 9, 14 and 15 under 35 U.S.C. § 102(b) as being anticipated by Martindale.

Applicants note that Claims 6, 8 and 10-12 have not been included in this rejection.

Hence, the Examiner's rejection has been rendered moot by the amendment to Claim 1 to include the recitation of Claim 8 therein.

Finally, on page 4 of the Office Action, the Examiner rejects Claims 1-7, 9 and 12 under 35 U.S.C. § 103 as being unpatentable over McKenzie et al in view of Martindale.

Specifically, the Examiner states that McKenzie does not teach the use of salicylic acid, but that Martindale shows use of salicylic acid. Hence the Examiner concludes that it would have been obvious to use the salicylic acid taught in Martindale in the composition of McKenzie to achieve the present invention.

Applicants note that Claims 8 and 10-11 have not been included in this rejection.

Hence, the Examiner's rejection has been rendered moot by the amendment to Claim 1 to include the recitation of Claim 8 therein.

In view of the amendments to the claims and the arguments set forth above, reexamination, reconsideration and allowance are respectfully requested.

The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,

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